

No. 12-338

IN THE UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

PREDRAG CICVARA,

Plaintiff-Appellant,

v.

**PROCTER & GAMBLE CO.,
DURACELL, LYNNE BURNETT,**

Defendants,

and

**GILLETTE CO., PROCTER &
GAMBLE CO., INC.**

Defendants-Appellees

**DECLARATION OF RICHARD B. LAPP IN SUPPORT OF
DEFENDANTS-APPELLEES' VERIFIED BILL OF COSTS**

I, Richard B. Lapp, declare pursuant to 28 U.S.C. § 1746(b) as follows:

1. I am a Partner in the Chicago office of Seyfarth Shaw LLP and one of the attorneys who represents Defendants-Appellees Gillette Co. and Procter & Gamble Co., Inc. ("Gillette") in this appeal. I make this Declaration based on my personal knowledge and I am competent to testify to the matters set forth herein, if

asked to so testify. I provide this Declaration to verify the amounts set forth in Gillette's Verified Bill Of Costs, which Gillette files simultaneously with this Declaration.

2. On January 19, 2012, appellant filed his Notice of Appeal in this matter with the U.S. District Court for the District of Connecticut. (*Cicvara v. Gillette Co.*, No. 3:09-cv-02054-JCH (D. Conn.), Dkt. #101.) Subsequently, on February 1, 2012, this Court instructed the parties to file "three additional paper copies of the Appendix and/or Joint Appendix" when "the Appendix or Joint Appendix is filed" (the "February 2012 Order"). (Dkt. #23.)

3. On May 2, 2012, the parties in this case agreed that they each would pay for the required appendices "on a prorated basis" (the "May 2012 Agreement"). (Ex. A hereto.)

4. On July 23, 2012, appellant filed his opening brief, the parties' special appendix, and the parties' joint appendix. (Dkt. ##56-59.) Appended hereto as Exhibit B is a true and correct copy of the invoice that AppealTech, the printing company selected by appellant, provided to counsel to Gillette that detailed the costs associated with appellant's filings. As Exhibit B details, the total cost of printing the joint and special appendices was \$6,712.64. The \$6,712.64 amount includes a line item for shipping via FedEx (\$237.64), which is not a recoverable cost under the Federal Rules of Appellate Procedure. The recoverable amount

therefore stands at \$6,475.00. Gillette has paid that full amount. However, per the parties' May 2012 Agreement, Gillette is due half of that amount: \$3,237.50.

5. On August 24, 2012, Gillette filed its brief in response to appellant's opening brief. (Dkt. #72.) Appended hereto as Exhibit C is a true and correct copy of the invoice that PrintingHousePress provided to counsel for Gillette, detailing the cost of printing the brief in response. As Exhibit C details, the total cost of printing was \$447.64. The \$447.64 amount includes line items for shipping via U.S. Mail (\$7.65) and for service and filing (\$75.00), which are not recoverable costs under the Federal Rules of Appellate Procedure. The recoverable amount therefore stands at \$364.99, which Gillette has paid.

6. Appellant did not file a brief in reply in this matter.

7. Based on the costs detailed above, Gillette is entitled to recover \$3,602.49 ($\$3,237.50 + \$364.99 = \$3,602.49$).

I declare under perjury of the laws of the United States of America that the foregoing is true and correct.

DATED this 21st day of February, 2013: By: /s/ Richard B. Lapp

Richard B. Lapp
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EXHIBIT A



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May 2, 2012

**VIA FIRST CLASS MAIL
AND FAX (860) 675-7104**

Igor I. Sikorsky, Jr., P.C.
Law Office of Igor I. Sikorsky
P.O. Box 38
Unionville, CT 08085

**Re: *Cicvara v. The Gillette Company*
U.S.D.C., D.Conn., Civil Action No. 3:09-CV-2054 (JCH)**

Dear Mr. Sikorsky:

In response to your letter of May 1, 2012, this letter will confirm that we will stand unopposed to a motion to extend time for filing the Joint Appendix until June 1, 2012.

I also confirm that we will honor the standing agreement to pay for the appendix on a prorated basis.

Thank you for your professional courtesy.

Very truly yours,

SEYFARTH SHAW LLP

A handwritten signature in black ink that reads "Richard B. Lapp". Below the signature, the initials "RBL" are written vertically.

Richard B. Lapp

RBL:ls

cc: Camille A. Olson

LONDON

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EXHIBIT B

AppealTech

7 West 36th Street, 10th Floor
New York, New York 10018

Invoice

Date	Invoice #
7/31/2012	12-07-122B

Bill To
Nathan Kipp, Esq. Seyfarth Shaw LLP 131 South Dearborn Street, Suite 2400 Chicago, Illinois 60603

P.O. No.	Terms	Due Date	FED.TAX ID	REP	CASE NAME
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JOINT APPENDIX					
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Each Additional Volume of Typeset Covers - Printing & Perfect Binding Included - 2 Vols. @ \$100	2	100.00	200.00		
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Federal Express Charge to Client		237.64	237.64		
Sub-Total Taxable					6,712.64
Accounts forwarded to collections will be assessed a 25% processing fee.				Total	\$6,712.64
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EXHIBIT C



PrintingHousePress

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To: Nathan Kipp, Esq.
Seyfarth Shaw LLP
620 Eighth Avenue, 21st Floor
New York, NY 10018

Invoice #32652*Please refer to invoice number with Payment*

If this invoice is being forwarded to a third party for payment, e.g., Insurance Carrier, Law Firm, Client, etc., then please cc: to ar@phpny.com. Thank you.

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8/24/2012	Net 30 Days	Paul LaMar	Court of Appeals for the 2nd. Circuit

Predrag Cicvara v. Gillette Co.
Appellee's Brief

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